

JAN-24-2005 MON 06:36 PM Disney's Wilderness Lodg
AKZO PATENT Fax:914-693-4236

FAX NO. 4078243232

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Serial No. 09/936,794

REMARKS

The present response amends claim 2, 4-12 and 13-15, adds new claim 21, cancels claims 1 and 3 without prejudice and requests reconsideration of the rejected claims. Presently, claims 1-21 are pending.

Claim 14 is amended to include an acyloxsilane. This is supported by page 11, line 19 of the specification. New claim 21 includes the particle size and mole ratio of claims 18-20.

Claims 1-2, 7-8, 10, and 13-17 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Sano et al. Claims 3, 9, and 11-12 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sano et al. Claim 4 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sano et al. as applied to claim 1 above, and further in view of Pluedemann. Claims 5-6 and 18-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sano et al. as applied to claim 1 above, and further in view of van der Kolk et al. These rejections are traversed and warrant withdrawal for the reasons detailed below.

The Office Action contends that Sano discloses the claimed particle size of 3 to 100nm by referring to its silica particles being less than 325 mesh (7:1-3) (which corresponds to 44 microns). This position is simply untenable.

Sano specifically teaches a particle size of 0.5 to 50 microns. 4:80-81. Accordingly, Sano does not teach nor fairly suggest the claimed particle size of 3 to 100nm. Thus, Sano does not anticipate nor make obvious the claimed invention.

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All pending claims are allowable for the reasons discussed herein. It is also noted for the record that applicant disagrees with the Office Action's responses (p.1-2) to the arguments presented by applicant in reply to the Office Action of January 14, 2004.

Respectfully submitted,



Lainie E. Parker
Reg. No. 36,123
Attorney for Applicant

Akzo Nobel Inc.
Intellectual Property Dept.
7 Livingstone Avenue
Dobbs Ferry, NY 10522-3408
(914) 674-5466

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